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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No.

2013-956

13 **CARLA YVETTE JONES**
3638 Carmona Avenue, Apt. 2
14 Los Angeles, CA 90016

A C C U S A T I O N

15 Registered Nurse License No. 713727

Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about October 10, 2007, the Board of Registered Nursing issued Registered
23 Nurse License Number 713727 to Carla Yvette Jones (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on June 30, 2013, unless renewed.

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4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

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6. Section 2762 of the Code states:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

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"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

• • •

"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

8. Section 2770.11 of the Code states:

"(a) Each registered nurse who requests participation in a diversion program shall agree to cooperate with the rehabilitation program designed by the committee and approved by the program manager. Any failure to comply with the provisions of rehabilitation program may result in termination of the registered nurse's participation in a program. The name and license number of a registered nurse who is terminated for any reason, other than successful completion, shall be reported to the board's enforcement program.

"(b) If the program manager determines that a registered nurse, who is denied admission into the program or terminated from the program, presents a threat to the public or his or her own health and safety, the program manager shall report the name and license number, along with a copy of all diversion records for that registered nurse, to the board's enforcement program. The board may use any of the records it receives under this subdivision in any disciplinary proceeding."

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1 derivative, and the brand name for the narcotic substance Hydromorphone. It is used for the relief
2 of severe pain.

3 14. **Vicodin** -- is a Schedule II or Schedule III controlled substance depending upon
4 the amount of dihydrocodeinone, pursuant to Health and Safety Code Section 11056(e)(3) and (4)
5 and is a dangerous drug within the meaning of Business and Professions Code section 4211,
6 subdivision (a). Vicodin is a brand name for the narcotic hydrocodone bitartrate or
7 dihydrocodeinone combined with the non-narcotic acetaminophen. It is used for the relief of
8 severe pain.

9 15. **Pyxis System** -- The Pyxis System is a computerized automated medication
10 dispensing system, which operates similarly to an Automated Teller Machine (ATM) at a bank.
11 The Pyxis medication dispensing machines are serviced by the facility's pharmacy. Medications
12 are placed in the Pyxis machines, which are usually stationed throughout the hospital. These
13 medications can only be accessed, or withdrawn by an authorized staff person using their own
14 unique personalized access code. Each medical professional at the hospital is assigned an account
15 number and a "one time only" access code number. The access code number allows the
16 individual to access the Pyxis System only one time. Upon making this initial access, the Pyxis
17 System prompts the individual to enter his or her own unique access number or PIN code. The
18 Pyxis System will not permit the use of a PIN code that has been used by any former employee,
19 or is being used by any other current employee. After entering their own unique PIN code and
20 each time the Pyxis System is accessed using that PIN code, the person making access is
21 identified and a database record of the transaction is made; which is similar to the ATM
22 withdrawal of funds from a bank account. The Pyxis System specifically records the following:

- 23 1) The identities of medical personnel, who have accessed the identified medications.
24 2) The identities of the patients that the medications were allegedly withdrawn on behalf of
25 and administered to.
26 3) The date/time the medications were withdrawn by the identified employee.

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1 The Pyxis System in response to the employee's drug withdrawals then updates the
2 hospital's pharmacy inventory for each particular medication withdrawn. The Pyxis System
3 records the time and date of access, and is able to provide a record of the drugs being accessed by
4 the employee via the patient's name, the patient's ID number; the identity of the medical facility's
5 employee making access; the name and quantity of the drug accessed; and location of the
6 particular Pyxis unit accessed.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Use of Controlled Substance(s) to the Extent That Use Impairs Safety)**

9 16. Respondent is subject to disciplinary action under Business and Professions Code
10 section 2762, subdivision (b) on the grounds of unprofessional conduct, in that, on multiple
11 occasions, Respondent has used controlled substances to an extent or in a manner dangerous to
12 herself or any other person or the public, or to the extent that such use impairs her ability to
13 conduct with safety the practice authorized by her license, by reason of the following facts:

14 A. Respondent has history of mental illness, including clinical depression.

15 B. **Habitual Use of Vicodin for Two Six-Month Periods (2004 –2007)**

16 By her own admission for at least two "six month" periods occurring after March,
17 2004 but prior to 2007, Respondent habitually self-administered an estimated 100
18 tablets of Vicodin per month to control pain from a knee injury.

19 C. **Termination from Diversion Program for Non-Compliance (2011)**

20 (1) The Respondent's initial intake was on October 8, 2010.

21 (2) In October of 2010, Respondent reported that alcohol was her "primary substance
22 of abuse" and that she drank or used drug(s) to avoid withdrawal symptoms.

23 (3) Random fluid samples taken pursuant to her Program contract tested positive for
24 ethyl sulfate (a metabolite of alcohol) on two dates: June 24, 2011 and August 16, 2011.
25 On or about August 15, 2011, Respondent admitted that she had relapsed – self-reporting
26 that she had consumed alcohol and the drug Percocet. At that time, Respondent was
27 currently enrolled at Twin Tower Intensive Outpatient therapy, was received by the DEC,
28 and was permitted to remain in the Program.

1 (4) On or about December 21, 2011, due to repeated contract violations, Respondent
2 was terminated from the Program for non-compliance – and the Board was notified that
3 Respondent was deemed a risk to public safety by Program administrators.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Obtaining Controlled Substances by Fraud, Deceit, Misrepresentation or Subterfuge)**

6 17. Respondent is subject to disciplinary action under Business and Professions Code
7 section 2761, subdivision (a), on grounds of unprofessional conduct, as defined in Business and
8 Professions Code section 2762, subdivision (a), for violating Health and Safety Code sections
9 11173 , subdivision (a) and/or 11350 subdivision (a) in that while employed and on duty as a
10 registered nurse at Centinela Hospital (which employed a Pyxis system) in Inglewood, CA, on
11 dates in May of 2010, Respondent illegally possessed, or obtained or attempted to obtain
12 controlled substances and dangerous drugs, by use of fraud, deceit, misrepresentation and/or
13 subterfuge on multiple occasions, as follows:

14 **A. PATIENT SC**

15 (1) Medical records disclose that during her shift on May 11, 2010 Respondent
16 withdrew 2 MG Dilaudid from Pyxis for SC **three times.**

17 (a) On May 11, 2010 at 0738, Respondent removed 2 MG Dilaudid from Pyxis
18 for SC. Respondent documented administration of 1MG to the patient at 0841 and
19 documented wastage of the remaining 1 MG.

20 (b) On the same date 1142, Respondent removed 2 MG Dilaudid from Pyxis
21 for SC. Wastage of 1MG was documented – however there is no entry on the MAR or the
22 nursing notes documenting administration to the patient, leaving **1 MG Dilaudid**
23 **unaccounted for.**

24 (c) On the same date at 1552, Respondent removed 2 MG Dilaudid from
25 Pyxis for SC. Again Respondent documented wastage of 1 MG, but no entries on the
26 MAR or the nursing notes documenting administration to the patient, leaving **1 MG**
27 **Dilaudid unaccounted for.**
28

1 (2) In summary, during the shift, Respondent withdrew a total of 6 MG Dilaudid from
2 Pxyis for SC- however, documentation shows actual administration of only two doses – 1 MG
3 Dilaudid to the patient. Even crediting claimed wastage, **2 MG Dilaudid** is unaccounted for by
4 these records.

5 **B. PATIENT NB**

6 (1) Medical records disclose that during her overnight shift beginning on May 22,
7 2010 Respondent withdrew 2 MG Dilaudid from Pyxis for NB **three times**.

8 (a) On May 22, 2010 at 1704, Respondent removed 2 MG Dilaudid from Pyxis
9 for NB. Wastage of 1MG was documented –however there is no entry on the MAR or the
10 nursing notes documenting administration to the patient, leaving **1 MG Dilaudid**
11 unaccounted for.

12 (b) On the same date at 1845 (1 hour and 41 minutes later), Respondent again
13 removed 2 MG Dilaudid from Pyxis for NB. Respondent again documented wastage of 1
14 MG, but there no are no entries on the MAR or nursing notes documenting actual
15 administration to the patient, leaving **1 MG Dilaudid** unaccounted for.

16 (c) Later during the same shift , at 0857 on May 23, 2010, Respondent
17 removed 2 MG Dilaudid from Pyxis for NB - documented wastage of 1 MG - but made no
18 entries on the MAR or the nursing notes documenting actual administration to the patient,
19 leaving **1 MG Dilaudid** unaccounted for.

20 (2) In summary, during the shift, Respondent withdrew a total of 6 MG Dilaudid
21 from Pxyis for NB- however, there is no documentation reflecting administration of any Dilaudid
22 to the patient. Even crediting claimed wastage, **3 MG Dilaudid** is unaccounted for.

23 **C. PATIENT AC**

24 (1) At all times relevant herein Patient AC had a physician's order for 1 MG Dilaudid
25 *every 4 hours as needed*.

26 (2) Overnight shift beginning May 22, 2010

27 (a) Medical records show AC had received a dose of Dilaudid on May 22,
28 2010 at 1543 - prior to the beginning of Respondent's shift.

1 (b) Medical records disclose that on May 22, 2010 at 1727, Respondent
2 removed 2 MG Dilaudid from Pyxis for AC. Wastage of 1MG was documented –
3 however, there is no entry on the MAR or the nursing notes documenting actual
4 administration to the patient, leaving **1 MG Dilaudid** unaccounted for. *No physicians*
5 *order or documentation explain or justify a second dose of Dilaudid at 1727 (2 hours and*
6 *24 minutes after the dose at 1543).*

7 (c) The record discloses that later during this same shift on May 23 at 1742,
8 Respondent removed 2 MG Dilaudid from Pyxis for AC. Again, wastage of 1 MG was
9 documented, but there no are no entries on the MAR or the nursing notes documenting
10 actual administration to the patient, leaving **1 MG Dilaudid** unaccounted for.

11 (3) Day Shift - May 27, 2010

12 (a) The record discloses that on May 27 at 0746, Respondent removed 2 MG
13 Dilaudid from Pyxis for AC. Respondent documented administration of 1MG to the
14 patient at 0804 – but did not document wastage or otherwise account for the remaining 1
15 MG, leaving 1 MG Dilaudid unaccounted for.

16 (b) Shortly afterward, at 0815, Respondent removed 2 MG Dilaudid from
17 Pyxis for AC. There are no entries on the MAR or the nursing notes documenting actual
18 administration to the patient, and no documented wastage, leaving **2 MG Dilaudid**
19 unaccounted for.

20 (c) Later that morning, at 1159, Respondent removed 2 MG Dilaudid from
21 Pyxis for AC. Wastage of 1MG was documented, and Respondent documented
22 administration of 1MG to the patient at 1614 (more than 1 hour after withdrawal).

23 (4) **In summary** - during both shifts, Respondent withdrew Dilaudid from Pyxis in
24 amounts well in excess of what had been ordered for Patient AC – a total of 10 MG Dilaudid.
25 Documents from both shifts show administration of withdrawn medication to the patient only
26 three times– accounting for 3 MG Dilaudid. Even crediting claimed wastage, **7 MG Dilaudid** is
27 unaccounted for.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Falsified Hospital Records)**

3 18. Respondent is subject to disciplinary action under Business and Professions Code
4 section 2761, subdivisions (a) and (d) on grounds of unprofessional conduct, as defined in
5 Business and Professions Code section 2762, subdivision (e) for violating Health and Safety Code
6 section sections 11350 subdivisions (a) and 11173, subdivisions (a) and (b), in that while
7 employed as a registered nurse at Centinela Hospital, in May of 2010, Respondent falsified, made
8 grossly incorrect, grossly inconsistent, or unintelligible entries in hospital records of three (3)
9 patients SC, NB and AC pertaining to controlled substances and dangerous drugs, by reason of
10 her acts and omissions described more fully in paragraph 17 above.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct)**

13 19. Respondent is subject to disciplinary actions under Business and Professions Code
14 sections 2761, subdivision (a) on grounds of unprofessional conduct, in that Respondent
15 committed unprofessional conduct while employed and on duty as a registered nurse at Centinela
16 Hospital in May of 2010, while assigned to provide nursing care to patients SC, NB and AC, by
17 reason of acts described more fully in paragraph 17 above.

18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
20 and that following the hearing, the Board of Registered Nursing issue a decision:

21 1. Revoking or suspending Registered Nurse License Number 713727, issued to Carla
22 Yvette Jones ;

23 2. Ordering Carla Yvette Jones to pay the Board of Registered Nursing the reasonable
24 costs of the investigation and enforcement of this case, pursuant to Business and Professions
25 Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: April 23, 2013

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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